



determination of those portions of the R & R to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

No parties have filed objections to the R & R. In the absence of objections to the R & R, the Court is not required to give any explanation for adopting the Magistrate Judge's recommendations. *Camby v. Davis*, 718 F.2d 198, 199-200 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation'" (quoting Fed. R. Civ. P. 72 advisory committee's note)).

After a thorough review of the record in this case, the Court finds no clear error. Accordingly, the Court adopts and incorporates by reference the R & R [ECF No. 72] of the Magistrate Judge. It is therefore **ORDERED** that Defendants' motion for summary judgment [ECF No. 57] is **GRANTED** and that this case is **DISMISSED** *with prejudice*.<sup>2</sup> The Court directs the Clerk to **CLOSE** this case.

**IT IS SO ORDERED.**

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<sup>2</sup> Plaintiff also filed a motion to subpoena records from the South Carolina Department of Corrections on October 30, 2015; the docket indicates the motion has not yet been ruled upon. *See* ECF No. 67. However, the discovery phase of this case had expired before Plaintiff filed the motion. Local Civil Rule 26.04 requires that pretrial discovery in a civil case exempt under Federal Rule of Civil Procedure 26(a)(1)(B) must be completed within ninety days after the joinder of issues. Local Civil Rule 26.04 (D.S.C.); *see* Fed. R. Civ. P. 26(a)(1)(B) (exempting from initial disclosure an action filed by a person who is in state custody). "Joinder of issues occurs when the basic factual and legal questions raised by the parties 'crystallize' i.e., when [the] defendant answers or otherwise responds to the allegations set forth in [the] plaintiff's complaint." *Bachman v. M. Lowenstein & Sons, Inc.*, 85 F.R.D. 10, 12 (D.S.C. 1979). Here, joinder of the issues occurred at the latest on March 31, 2015, when Defendants filed and served their answer to Plaintiff's amended complaint. *See* ECF No. 45. Pretrial discovery therefore closed on June 29, 2015, four months before Plaintiff filed his motion to subpoena. Accordingly, to the extent Plaintiff's motion is not moot, the Court **DENIES** Plaintiff's motion [ECF No. 67] as untimely. *See Cash v. Thomas*, No. CIV.A.6:12-1278-DCN, 2013 WL 1826619, at \*1 (D.S.C. Apr. 8, 2013) (applying Local Civil Rule 26.04 to a § 1983 plaintiff's "motion to subpoena witnesses for declarations and affidavits" and denying it as untimely because it was "an attempt to conduct discovery at this late stage of litigation").

Florence, South Carolina  
December 11, 2015

s/ R. Bryan Harwell  
R. Bryan Harwell  
United States District Judge